

110TH CONGRESS
2D SESSION

S. 3634

To reduce gun trafficking by prohibiting bulk purchases of handguns.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 26 (legislative day, SEPTEMBER 17), 2008

Mr. LAUTENBERG (for himself and Mr. MENENDEZ) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To reduce gun trafficking by prohibiting bulk purchases of handguns.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “End Gun Trafficking
5 Act of 2008”.

6 **SEC. 2. PROHIBITION AGAINST MULTIPLE HANDGUN SALES**
7 **OR PURCHASES.**

8 (a) PROHIBITION.—Section 922 of title 18, United
9 States Code, is amended by adding at the end the fol-
10 lowing:

1 “(aa) PROHIBITION AGAINST MULTIPLE HANDGUN
2 SALES OR PURCHASES.—

3 “(1) SALE.—It shall be unlawful to sell or oth-
4 erwise dispose of a handgun that has been shipped
5 or transported in interstate or foreign commerce to
6 any person who is not licensed under section 923
7 knowing or having reasonable cause to believe that
8 such person purchased a handgun during the 30-day
9 period ending on the date of such sale or disposition.

10 “(2) PURCHASE.—It shall be unlawful for any
11 person who is not licensed under section 923 to pur-
12 chase more than 1 handgun that has been shipped
13 or transported in interstate or foreign commerce
14 during any 30-day period.

15 “(3) EXCEPTIONS.—Paragraphs (1) and (2)
16 shall not apply to—

17 “(A) exchange of 1 handgun for 1 hand-
18 gun;

19 “(B) the transfer to or purchase by the
20 United States, a department or agency of the
21 United States, a State, or a department, agen-
22 cy, or political subdivision of a State, of a hand-
23 gun;

24 “(C) the transfer to or purchase by a law
25 enforcement officer employed by an entity re-

ferred to in subparagraph (B) of a handgun for law enforcement purposes (whether on or off duty);

“(D) the transfer to or purchase by a rail police officer employed by a rail carrier and certified or commissioned as a police officer under the laws of a State of a handgun for law enforcement purposes (whether on or off duty); or

“(E) the transfer or purchase of a handgun listed as a curio or relic by the Attorney General pursuant to section 921(a)(13).”.

(b) PENALTIES.—Section 924(a)(2) of title 18, United States Code, is amended by striking “or (o)” and inserting “(o), or (aa)”.

(c) CONFORMING AMENDMENTS.—Chapter 44 of title 18, United States Code, is amended—

(1) in section 922(t)—

(A) in paragraph (1)(B)(ii), by striking “(g) or (n)” and inserting “(g), (n), or (aa)(2)”;

(B) in paragraph (2), by striking “(g) or (n)” and inserting “(g), (n), or (aa)(2)”;

(C) in paragraph (4), by striking “(g) or (n)” and inserting “(g), (n), or (aa)(2)”;

1 (D) in paragraph (5), by striking “(g) or
 2 (n)” and inserting “(g), (n), or (aa)(2)”; and
 3 (2) in section 925A, by striking “(g) or (n)”
 4 and inserting “(g), (n), or (aa)(2)”.

5 (d) ELIMINATE MULTIPLE SALES REPORTING RE-
 6 QUIREMENT.—Section 923(g) of title 18, United States
 7 Code, is amended by striking paragraph (3).

8 (e) AUTHORITY TO ISSUE RULES AND REGULA-
 9 TIONS.—The Attorney General shall prescribe any rules
 10 and regulations as are necessary to ensure that the na-
 11 tional instant criminal background check system is able
 12 to identify whether receipt of a handgun by a prospective
 13 transferee would violate section 922(aa) of title 18, United
 14 States Code.

15 **SEC. 3. INCREASED PENALTIES FOR MAKING KNOWINGLY**
 16 **FALSE STATEMENTS IN CONNECTION WITH**
 17 **FIREARMS.**

18 Section 924(a)(3) of title 18, United States Code, is
 19 amended in the matter following subparagraph (B) by
 20 striking “one year” and inserting “5 years”.

21 **SEC. 4. RETENTION OF RECORDS.**

22 (a) RETENTION OF RECORDS.—Section 922(t)(2)(C)
 23 of title 18, United States Code, is amended by inserting
 24 “not less than 180 days after the transfer is allowed,” be-
 25 fore “destroy”.

1 (b) REPEALS.—

2 (1) FISCAL YEAR 2004.—Section 617 of division
3 B of the Consolidated Appropriations Act, 2004
4 (Public Law 108–199; 118 Stat. 95) is amended—

5 (A) by striking “(a)”;

6 (B) by striking “for—” and all that fol-
7 lows through “(1)” and inserting “for”; and

8 (C) by striking “; and” and all that follows
9 and inserting a period.

10 (2) FISCAL YEAR 2005.—Section 615 of division
11 B of the Consolidated Appropriations Act, 2005
12 (Public Law 108–447; 118 Stat. 2915) is amend-
13 ed—

14 (A) by striking “for—” and all that follows
15 through “(1)” and inserting “for”; and

16 (B) by striking “; and” and all that follows
17 and inserting a period.

18 (3) FISCAL YEAR 2006.—Section 611 of the
19 Science, State, Justice, Commerce, and Related
20 Agencies Appropriations Act, 2006 (Public Law
21 109–108; 119 Stat. 2336) is amended—

22 (A) by striking “for—” and all that follows
23 through “(1)” and inserting “for”; and

24 (B) by striking “; and” and all that follows
25 and inserting a period.

1 (4) FISCAL YEAR 2008.—Section 512 of division
2 B of the Consolidated Appropriations Act, 2008
3 (Public Law 110–161; 121 Stat. 1926) is amend-
4 ed—

5 (A) by striking “for—” and all that follows
6 through “(1)” and inserting “for”; and

7 (B) by striking “; and” and all that follows
8 and inserting a period.

9 **SEC. 5. REVISED DEFINITION.**

10 Section 921(a)(21)(C) of title 18, United States
11 Code, is amended by inserting “, except that such term
12 shall include any person who transfers more than 1 hand-
13 gun in any 30-day period to a person who is not a licensed
14 dealer” before the semicolon.

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